IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2621 OF 2017
IN
FIRST APPEAL NO.615 OF 2015

Jaibun Raju Tamboli & Ors. .. Applicant

In the matter between
The New India Assurance Co. Ltd. .. Appellant
Vs.
Jaibun Raju Tamboli & Ors. .. Respondents

Ms.Kruttika Pokale i/by Mr.A.M. Gokhale for the applicants/ respondent nos.1 to 4.
Mr.D. R. Mahadik for the appellant.

CORAM : R.D.DHANUKA, J.
DATE : 18th February 2020

P.C.:

. Heard learned counsel for the applicants. First Appeal is already admitted. The applicants seeks permission to withdraw the amount deposited by the appellant.

2. The reasons for seeking withdrawal of the amount are recorded in paragraphs 3 to 6 of the civil application and are accepted.

3. The respondent nos.1, 3 & 4 (original claimants) are permitted to withdraw 50% of the amount that is deposited by the appellant with the MACT, Mumbai in MACP No.456 of 2006, at this stage, upon furnishing an undertaking before concerned MACT within

four weeks from today to the effect that if they do not succeed in this first appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order. Copy of the undertaking shall be served upon the learned advocate appearing for the appellant within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking. The amount allowed to be withdrawn shall be apportioned in the ratio already decided by the MACT in the impugned order.

4. It is made clear that if the undertaking is not furnished within four weeks from today, the order passed by this Court allowing the respondent nos.1, 3 & 4 to withdraw 50% of the amount that is deposited by the appellant to stand vacated without further reference to the Court. In that event, the concerned MACT shall invest the said amount in fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period depending upon the pendency of the First Appeal.

5. In so far as the respondent no.2 is concerned, amount payable to her by the impugned judgment and award shall be invested in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period till she attains the age of majority depending upon the pendency of the First Appeal.

6. The respondent no.1 is permitted to withdraw interest amount accrued on such Fixed Deposit that is deposited by the appellant for maintenance of the respondent no.2. Upon attaining the age of majority, the respondent no.2 is allowed to apply for withdrawal of her share.

7. The concerned MACT is directed to invest the balance 50% of the amount in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period depending upon the pendency of the First Appeal.

8. Civil application is disposed of on aforesaid terms. No order as to costs. Parties as well as the concerned MACT to act on the authenticated copy of this order.

R.D.DHANUKA, J.